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1941.

File No. Q. Works Comp/41

Legal DEPARTMENT

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Subject:—

Opinions under the Workmen's Compensation Act 1923

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Office of the R.L.A.

The rules proposed by the Commissioner of Labour are purely for the convenience of administration and maintaining accounts in regard to deposits made under the Workmen's Compensation Act and can therefore be made under section 32 of the said Act. Under the proposed rules, the amount deposited will be held in Government treasury as "unclaimed deposit for the eventual benefit of any person who may duly establish his claim thereto to the satisfaction of the Commissioner". The rules are not inconsistent with any other provisions of theAct and will therefore be intra vires the Act.

Sd/-
O.C. 7/7
Remembrancer of Legal Affairs.

Sd/- D.G.A.
7/741.

U.R.To P.& S.D., No. 6969 , dated the 10th July 1941.

Office of the R.L.A.

It appears from the facts stated in the P.W.D. office note at page 68 ante that the amount of Rs. 650 was illegally recovered from Mr. Chinchanker by the Mamlatdar of Poona by wrongful attachment of his motor. The amount should therefore be immediately refunded to Mr. Chinchanker. His claim for damages and interest should be denied since the Mamlatdar had no power to recover the amount as arrears of land revenue and consequently Government would not be liable for his tortious act in in recovering the amount by wrongful attachment of Mr. Chinchanker's motor. (See Rose Vs. Secretary of State for India in Council, 37 Mad. 58). Steps should be taken to institute a suit against the proper persons for recovering Rs. 650 as advised by the R.L.A. in his last opinion No. 705, dated 19th January 1940.

Sd/- P.N.K.
20/10/1941.
O.C.
Remembrancer of Legal Affairs.

Sd/-
24/10/41.

U.O. to P.W.D., No. 279-p-confl. dated the 25th October 1941.

D.L.R.